



COUNTY OF PLACER
Community Development Resource Agency

Michael Johnson, Agency Director

PLANNING

HEARING DATE: July 22, 2010

ITEM NO.: 3

TIME: 10:30 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: July 9, 2010
SUBJECT: Nyack Temporary Concrete Batch Plant
Conditional Use Permit (PCPA20100191)

COMMUNITY PLAN: Placer County General Plan

COMMUNITY PLAN DESIGNATION: Agricultural/Timberland 80-Acre Minimum

ZONING: FOR 80 Ac. Min., Hs-Ds (Forestry, 80-Acre Minimum and Highway Services, with a combining district designation of Design Sierra)

STAFF PLANNER: Gerry Haas, Associate Planner

LOCATION: The project site is located on the north side of Old Nyack Road (41855 Old Nyack Road), northeast of the Nyack Road exit from Interstate 80 in the Emigrant Gap area.

ASSESSOR'S PARCEL NUMBER: 066-260-016

APPLICANT: John Purvis, Teichert Construction

PROPOSAL: The applicant is requesting approval of a Conditional Use Permit for a temporary concrete batch plant in the Nyack area that would be used to support a portion of the Interstate 80 resurfacing project between Bear Valley Road and Hampshire Rocks Road.

CEQA COMPLIANCE: The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15304 of the California Environmental Quality Act Guidelines and Section 18.36.060 of the Placer County Environmental Review Ordinance (Class 4 [F], Minor Alterations to Land).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

SITE CHARACTERISTICS:

The parcel is approximately 41.5 acres in size and is heavily wooded with conifer forest. Nyack Road forms the southeast property line, then curves to the north and east through the western portion of the site, returning to exit the site at the west property line. The looped portion of Nyack Road forms the southern boundary of a previously cleared and graded area within the subject parcel. This cleared area is a few acres in size and has been used for a similar type of highway resurfacing operation in the past. Adjacent land uses include a telecommunications tower and Interstate 80 to the south. The parcels to the north, west, and east are largely undeveloped forested areas.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	Undeveloped	FOR 80 ac. min. (Forestry, combining minimum Building Site of 80 acres), Hs-Ds (Highway Services, combiningf Design Sierra)
NORTH	Undeveloped	FOR 80 ac. min.
SOUTH	Interstate 80, Telecommunications tower	RS (Residential Single-Family)
EAST	Undeveloped	TPZ (Timberland Production)
WEST	Undeveloped	FOR 10 ac. min. (Forestry, combining minimum Building Site of 10 acres)

BACKGROUND:

As mentioned above, the project site has been used in the past as a concrete batch plant. On May 22, 2008, the Planning Commission approved a Conditional Use Permit (PCPA 20080222) that allowed for the temporary operation of a concrete batch plant on the subject parcel. The previous applicant (FCI Constructors, Inc.) had been contracted by Caltrans to construct a phase of the Interstate 80 surface improvement project on a road segment between Nyack Road and Emigrant Gap Road. That segment of road has been improved and PCPA 20080222 has now expired.

PROJECT DESCRIPTION:

The applicant proposes to construct and operate temporary concrete batch plant in the on the subject parcel that would be used to produce materials to complete the Interstate 80 surface improvements between Bear Valley Road and Hampshire Rocks Road. The plant operation would consist of a self-contained unit. Raw material would be imported to the site for use in the concrete production. The imported material, which would consist of powdered Portland cement, sand, rock aggregate, and water, would be mixed and transferred into concrete trucks for transport to the construction site.

The equipment would be cleaned with the use of a washout basin located adjacent to the batch plant. The washout basin would be completely self-contained and would use recycled water. The washout basin would consist of a holding basin lined with PVC pond liner material to contain all of the water and concrete sediments. Appropriate BMP's, including sand bags and/or fiber rolls, would be installed around the basin area to contain any water that might seep from the basin. The wash water in the basin would be pumped into a holding tank as needed, and the concrete sediments would be removed and disposed of off-site at an approved disposal facility.

The batch plant would be set up during August 2010, but would not become operational at that time. The plant would then begin producing concrete between April 15 and October 15 during the 2011 and 2012 construction seasons.

The primary transportation corridor that would be used to access the property would be Interstate 80 and Old Nyack Road. Interstate 80 would be accessed via the Nyack Road interchange.

DISCUSSION OF ISSUES:

Community Plan/Zoning Consistency

The proposed project is located within the Placer County General Plan area. The General Plan designates the project site as Agricultural Timberland, and the Placer County Zoning Ordinance designates the project site as Forestry and Highway Services, combining Design Sierra District. The proposed use is not allowed under the current zoning, however, the Placer County Zoning Ordinance makes provisions for temporary uses under the Temporary Uses and Events Section (Section 17.56.300[A]) with the requirement of a Conditional Use Permit. The use would be allowed for up to one year, however, the applicant would have the option of applying for an Extension of Time to the Conditional Use Permit to allow for an additional year. Staff has determined that the proposed project is consistent with the standards set forth by the Forestry and Highway Service zoning districts, given that the use is temporary in nature.

Temporary Use/Compatibility

The plant would be operated as necessary to produce concrete for the Caltrans improvement project over two construction seasons. The surrounding properties are undeveloped and forested. There are no residential uses in the project vicinity. Therefore,

staff finds that the temporary nature of the proposed project would have minimal impacts on properties in the vicinity and is therefore compatible with the surrounding land uses.

Haul Routes

The circulation routes for the hauling of material for the proposed project will be limited to Interstate 80 and the Nyack Road Interchange, via Nyack Road and Old Nyack Road. Old Nyack Road, which provides access to the site, is an older paved road. Although the road is in fair condition, staff has concluded that the road is adequate for one-way travel during the temporary operation of the batch plant. Activity relating to the hauling of materials will remain on the north side of Interstate 80, away from any single-family residences or vacation cabins. Staff has reviewed the proposed circulation routes and has found that the hauling of material for the proposed project will not have adverse impacts on the surrounding land uses.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Conditional Use Permit for the Nyack Temporary Concrete Batch Plant (PCPA20100191), based upon the findings contained in this staff report, and subject to the attached recommended conditions of approval.

FINDINGS:

CEQA

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15304 of the California Environmental Quality Act Guidelines and Section 18.36.060 of the Placer County Environmental Review Ordinance (Class 4 [F], Minor Alterations to Land). The project is considered Categorically Exempt since it involves a minor temporary land use that would have negligible or no permanent impacts on the environment.

Conditional Use Permit:

1. The proposed uses are consistent with all applicable provisions of Placer County Code, Chapter 17, and any applicable provisions of other chapters in this code. The proposed project is consistent with the standards set forth by the Forestry and Highway Service zoning districts under the provisions of the Temporary Uses and Events Section (Section 17.56.300[A]) of the Zoning Ordinance.
2. The proposed uses are consistent with applicable policies and requirements of the Placer County General Plan.
3. The establishment, maintenance or operation of the proposed uses will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County. The proposed use is temporary in nature and will be conducted in an

area away from nearby residences and populated areas. Additionally, the proposed project will be performed on a previously disturbed site, and because of the temporary nature of the project, is unlikely to be the cause of any negative impacts to the surrounding land uses.

4. The proposed uses will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. Surrounding land uses are limited to an adjacent telecommunications tower, Interstate 80 and forested areas. Because of this and the temporary nature of the project, the proposed material storage yard will not be contrary to the orderly development of the surrounding neighborhood.
5. The proposed uses will not generate a volume of traffic beyond the design capacity of all roads providing access to the parcel. Proposed circulation will be between the project site and Interstate 80 via Old Nyack Road. Due to the temporary nature and short duration of this project, no impacts to traffic volume are anticipated.

Respectfully submitted,

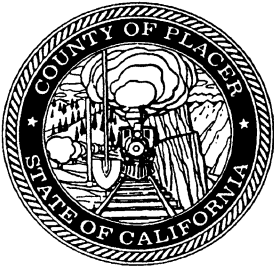

Gerry Haas
Associate Planner

ATTACHMENTS:

Attachment A – Conditions of Approval

Attachment B – Vicinity Map and Site Plan

cc: John Purvis, Teichert Construction – Applicant
Stewart Wells – Property Owner
Rebecca Taber – Engineering and Surveying Division
Vicki Ramsey – Environmental Health Services
YuShuo Chang – Air Pollution Control District
Andy Fisher – Placer County Parks Division
Karin Schwab – County Counsel's Office
Michael Johnson – CDRA Director
Paul Thompson – Deputy Planning Director
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT (PCPA 20100191)
"NYACK TEMPORARY BATCH PLANT"**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This Conditional Use Permit (PCPA 20101919) authorizes a temporary concrete batch plant to operate for a one-year period. The plant will be used to support a portion of the Interstate 80 resurfacing project between Bear Valley Road and Hampshire Rocks Road. The plant operation will consist of a self-contained unit. Raw material will be imported to the site for use in concrete production. The imported material, which will consist of powdered Portland cement, sand, rock aggregate, and water, will be mixed and transferred into concrete trucks for transport to the construction site.
2. The hours of operation shall be 10 hours per day, Monday through Friday and weekends and evenings as necessary. **(PD)**
3. The applicant shall apply for an Extension of Time prior to the expiration of this Use Permit (August 1, 2011) in order to complete the project during the second construction season. This extension of time will include any proposed operation dates within the 2010 construction season. **(PD)**
4. The applicant shall provide the Development Review Committee (DRC) with a lease agreement between the property owner (E. Stewart Wells Trust) and Teichert Construction prior to the installation of the concrete batch plant on the subject parcel. **(PD)**
5. Prior to the installation of the concrete batch plant on the subject parcel, the applicant shall obtain a cost estimate from a licensed contractor for the clean up of the site subsequent to project completion, including removal of gravel and re-vegetation in order to return the site to conditions existing prior to project initiation, and shall post a security deposit in the amount of 115 percent of this cost estimate. **(PD)**
6. The applicant shall execute a hold harmless and indemnification agreement to protect, defend, indemnify, and hold Placer County free and harmless from any and all losses, claims, ~~liens, demands, and causes of action of every kind and character including, but not limited to,~~ the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses

incurred by Placer County arising in favor of any party, including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of the County) and without limitation be enumeration, all other claims or demands of every character occurring or engaged in by applicant and/or any and all others under the terms of, and/or the duration of, this Use Permit. Project applicant agrees to investigate, handle, respond to, provide defense for, and defend any such claims, demand, or suit at the sole expense of the project applicant. The project applicant also agrees to bear all other costs and expenses related thereto, even if the claim or claims alleged are groundless, false, or fraudulent. This provision is not intended to create any cause of action in favor of any third party against project applicant or the County, or to enlarge in any way the project applicant's liability, but is intended solely to provide for indemnification of Placer County from liability for damages or injuries to third persons or property arising from project applicant's activities pursuant to this Use Permit.

- A. The County of Placer, its officers, agents, employees, and volunteers are to be covered as insured for all liability arising out of the operations by or on behalf of the names insured in the activities engaged in pursuant to this Use Permit.
- B. As used above, the Placer County means Placer County or its officers, agents, employees, and volunteers. **(PD)**

7. If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department of Museums must also be contacted for review of the archaeological find(s). If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. **(PD)**

8. Water quality Best Management Practices (BMPs) shall be designed according to the Caltrans Storm Water Quality Handbooks Construction Site Best Management Practices Manual dated March 1, 2003 and/or other similar source as approved by the Engineering and Surveying Department (ESD).

The applicant shall apply the following BMPs for the project, but is not limited to: Fiber Rolls (SC-5), Gravel Bag Berms (SC-6), Wind Erosion Control (WE-1), Vehicle and Equipment Cleaning (NS-8), Vehicle and Equipment Fueling (NS-9), Vehicle and Equipment Maintenance (NS-10), Material Delivery and Storage (WM-1), Material Use (WM-2), Stockpile Management (WM-3), Concrete Waste Management (WM-8), and Sanitary/Septic Waste Management (WM-9).

All BMPs shall be maintained as required to insure effectiveness. Maintenance of these facilities shall be provided by the project permittees.

9. The applicant shall obtain a Grading Permit for any grading work in excess of 10,000 square feet of area on slopes of 10% or greater, 250 cubic yards in volume, and / or for cuts or fills of 4 feet or greater measured vertically.
10. All on-site parking and circulation areas for the temporary concrete batch plant and washout basin shall be improved with an all-weather surface, (minimum 6" AB over 90% compacted soil) capable of supporting 40,000 pounds and the anticipated vehicle loadings.
11. By August 1, 2010, the applicant shall provide to the DPW a cash security in the amount of \$15,000 for repair to Nyack Road as a result of any damage incurred from the concrete batch plant vehicle loadings and increased trips. The applicant shall photo monitor the truck haul route along Nyack Road before and after commencement of project operations in order to document impacts to the roadway. A copy of the photo monitoring report shall be provided to the ESD and DPW after project completion. If repair is required to Nyack Road, these improvements shall be completed by the applicant to the satisfaction of the DPW prior to the release of the cash security.
12. Projects with ground disturbance exceeding one-acre that are subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the Engineering and Surveying Department evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction.
13. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use.
14. The project shall have adequate portable toilet facilities on site which shall be properly maintained in a safe and sanitary fashion. (EHS)
15. Prior to the start of operation, the applicant shall submit to Environmental Health Services a will-serve letter from the franchised refuse collection for weekly or more frequent refuse collection service. (EHS)
16. If Best Management Practices are required by the Engineering and Surveying for control of urban runoff pollutants, then any hazardous materials collected during the life of the project shall be disposed of in accordance with all applicable hazardous materials laws and regulations. (EHS)

17. Prior to the start of operation, please note that if at any time during the course of constructing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact the Environmental Health Services Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of Environmental Health Services and the Central Valley Regional Water Quality Control Board. (EHS)

18. Prior to the start of operation, the Occupant shall submit a Hazardous Materials Project/Business Activities Screening Form to the Environmental Health Services Technician, for review and approval: Please note: "Hazardous" materials, as defined in the California Health and Safety Code Division 20, Chapter 6.95, Articles 1 and 2, shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services. (EHS)

19. This Temporary Conditional Use Permit is valid for 12 months and shall expire on August 1, 2011. **(PD)**

Secondary BMP's
Two rows of fiber rolls

Aggregate Loading Bins

Concrete Batch Plant

Recycled Water
Filtration Tank(s)

Diesel, Admixtures,
Curing Agents,
Propane Tanks

Portable Toilet &
Handwash Station

Truck Route to
Batch Plant

Surface
Flow

Flow of trees to remain to
maintain view from freeway

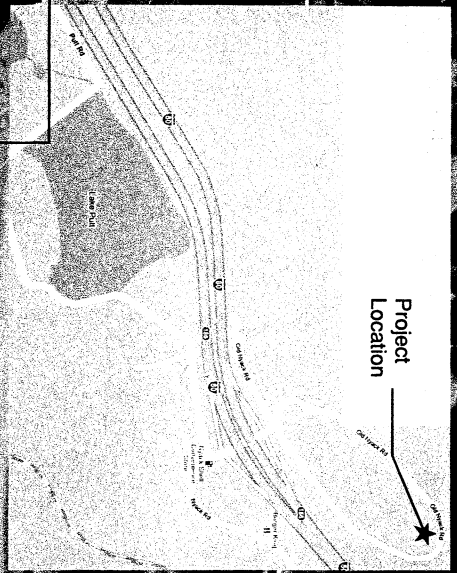
©2009
Google

Elev. alt. 2.17 km

CDRA

197 m

Project
Location



©2010 Google
39° 7' 41.52" N 120° 40' 44.92" W - elev 7539 m

CONCRETE CONSTRUCTION I-80 PROJECT NEAR EMIGRANT GAP
PORTABLE CONCRETE BATCH PLANT FACILITY AT NYACK, CA

OWNER: E. STEWART WELLS
PROJECT: PORTABLE CONCRETE BATCH PLANT
APN: 066-260-016-000, 066-260-015-00

ATTACHMENT B